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# ROGER ROTH

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STATE REPRESENTATIVE • 56<sup>TH</sup> ASSEMBLY DISTRICT

## **Testimony of Representative Roger Roth Before the Assembly Committee on Children and Families**

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### **AB 238—Eliminating the Medicaid Marriage Penalty**

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August 19, 2009

Thank you, Chairwoman Grigsby, members, and guests. I am honored to have the opportunity to discuss AB 238 with you today and testify on its behalf.

As legislators, it is one of our goals to ensure that our citizens with disabilities have access to the same opportunities as others within our state. To help fulfill this goal, I have introduced legislation that would allow those enrolled in our state Medical Assistance program and who have blindness or are totally and permanently disabled to marry without fear of losing their benefits.

All too often, government rules have unintended consequences that hinder the lives of those they seek to help. In this case, rules that count a spouse's income and assets toward the person enrolled in Medical Assistance often times discourage that couple from getting married. This should not be.

Under current law, blinded or totally and permanently disabled Medical Assistance enrollees can only marry if the couple lives in abject poverty.

AB 238 would require the Department of Health Services to file a waiver request with the federal government to allow these medically needy individuals enrolled in the Medical Assistance program the freedom to marry. The bill would direct the Department to exclude the income and assets of the spouse not enrolled in Medical Assistance when determining continued eligibility for the spouse who is.

AB 238 would then allow those Medical Assistance enrollees who are blind or totally and permanently disabled the freedom to marry. The scope of the bill will extend the opportunity to marry to those already enrolled in Medical Assistance. The bill does not apply to those residing in medical institutions or nursing facilities, as the state of Wisconsin cannot amend federal law governing the assets of spouses in those situations.

The Department has prepared a fiscal estimate on this legislation and anticipates that 31 couples would take advantage of the freedom to marry provided for under AB 238.

I understand that there would be a one-time cost of \$500,000 (\$250,000 GPR) to adjust the computer records system to account for the couples who would marry.

Additionally, the Department assumes that allowing people to marry who are currently enrolled in the Medical Assistance program will cost the state \$249,400 (\$99,760 GPR) in the first year after the bill's passage. I believe the Department is assuming that 31 current enrollees will get married next year and, if they were to lose their eligibility for Medical Assistance, reduce state expenditures by \$249,400.

I believe, however, that the current enrollees who would benefit from this legislation will remain unmarried to continue qualifying for Medical Assistance benefits. By allowing these individuals to marry, no additional ongoing costs will be shouldered by taxpayers.

AB 238 allows medically needy individuals who are enrolled in Medical Assistance and blind or totally and permanently disabled the opportunity to marry and enjoy the companionship of another in the same fashion as other citizens can.

This bill meets a need that some of our fellow citizens have. Together, there is no doubt that we can make a difference to improve their lives.

Thank you.



Wisconsin Board for People  
With Developmental Disabilities

Date: August 19, 2009

To: Rep. Tamara Grigsby, Chair  
Members  
Assembly Committee on Children and Families

From: Cindy Zellner-Ehlers, Chair

Re: Support for AB 238: Eligibility for Medicaid after Marriage

People with severe disabilities should not have to worry about Medicaid coverage when deciding whether to marry. However, that is exactly the dilemma faced by people with disabilities – marry the individual they love and lose the long term care services they need, or never marry.

In Wisconsin, Medicaid is basically the only provider of the range of long term care services needed by individuals with severe disabilities living in the community.

Even if the potential spouse has health insurance it is unlikely the policy will cover comprehensive long term care services.

Since the individuals addressed by the bill are already covered by Medicaid, passing this bill does not have a fiscal impact. However, it would have a huge positive impact on people with severe disabilities who have found lasting love. The Wisconsin Board for People with Developmental Disabilities urges the Committee to pass this bill.

Thank you for your consideration of this testimony. If you have any questions, please contact Jennifer Ondrejka, Executive Director, at (608) 266-1166 or [Jennifer.Ondrejka@Wisconsin.gov](mailto:Jennifer.Ondrejka@Wisconsin.gov).

## McGinnis, Cindy

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**From:** kathy wilcox [mkdwilcox@centurytel.net]  
**Sent:** Monday, August 17, 2009 11:17 AM  
**To:** McGinnis, Cindy  
**Cc:** Gary Goyke  
**Subject:** Freedom to Marry Bill

I'm a 63 year old grandmother from Platteville, WI with a deep interest in the Freedom to Marry Bill, AB238. I had a major stroke 17 years ago, was hospitalized for a month, had 2 years of physical therapy and still have some effects on my left side, vision impairment, short term memory loss and lack of stamina.

My pastor suggested counseling after the stroke, as I could not drive and do the needlework I have always done, as well as the bookkeeping for the family business we had at the time. With counseling, I came to realize that I needed to leave the emotionally abusive 24 year marriage I was in, with alcoholism, infidelity, and financial irresponsibility involved. I filed for divorce and came into a women's shelter with my 10 year old daughter. With help from God, we were able to find housing and I was accepted onto the SSI and Medicaid programs. Molly was able to continue elementary school at her same school.

After being alone for 6 years, I met a very nice retired farmer at church, who had been widowed 2 years before. We have now been together 9.5 years, taking care of each other through trials, tribulations, and serious illnesses. We are active in our church life and well accepted by most folks. We would like to be legally married, but if we did as it now stands, I would lose my medical insurance, and I just feel I cannot be without it. Due to pre-existing conditions of diabetes and the stroke, I am not able to purchase insurance. We hope your committee and the Assembly and Senate will consider passage of AB238, to make such a big difference in the lives of couples like us. Thank you for your consideration.

Kathy Wilcox and Tom Jenson  
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